

Superior Court of California

County of Merced

Probate Department

Probate Notes

Probate Notes for future calendars are available from the time they are created until the morning of the scheduled hearing. Updates to the Probate Examiner's Notes typically will be posted 3 days prior to the hearing. If you are filing documents to cure a technical defect, documents should be filed a minimum of 2 court days prior to the hearing.

Documents filed late will not be reviewed except on the date of the hearing at the Judge's discretion and could result in a continuance of your case.

Parties intending to appear in Court regarding their hearing must notify all other parties and call (209) 725-4240 to notify the Court of such intent by 4:00 pm on the day before the hearing.

Contacting the Probate Examiner:

Probate Examiner's email address is: probate.examiner@mercedcourt.org

Emails must have the case identification information and hearing date/time in the subject line. No attachments will be opened. The Probate Examiner can only respond to inquiries regarding the meaning of comments in the Notes. *Please do not email to notify that documents have been filed, to request a confirmation whether documents have been received or to request the clearing of notes.* No legal or procedural advice may be given by the Examiner in response to your email.

Questions regarding fees, forms or status of orders should be directed to the Probate Unit of the Clerk's Office at (209) 725-4111 between the hours of 8:00 a.m. – 12:00 pm. and 1:00 p.m. – 3:00 p.m., Monday – Friday.

Superior Court of California, County of Merced
PROBATE CALENDAR
HONORABLE: Donald Shaver

DATE: Thursday, August 6, 2020
TIME: 9:00 AM
COURTROOM: 4

PROBATE CALENDAR

The following tentative rulings shall become the ruling of the court unless a party gives notice of intention to appear as follows:

1. You must call (209) 725-4240 to notify the court of your intent to appear.
2. You must give notice to all other parties before 4:00 p.m. of your intent to object.

Per California Rules of Court, rule 3.1308(a)(1), failure to do both items 1 and 2 will result in no oral argument. **To limit the spread of the COVID-19 virus, the court will only conduct remote hearings. Parties who contest the tentative ruling or wish to appear remotely at a hearing must contact the clerk of the Court at (209) 725-4111 to provide their contact information for the remote hearing.**

CASE#: 20PR-00082

CASE NAME: Matter of Misty Garcia

THIS CASE IS SET FOR HEARING ON:

Petition to Determine Succession to Distribute Real Property

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS WERE PREVIOUSLY NOTED:

1. Petition is not signed and verified. Prob Code 1020
2. The names, ages, addresses and relation for each heir and devisee of the decedent, names & addresses of all persons named as executors of the will of the decedent (if applicable). Prob Code 13152
3. No Notice given to any possible heirs/beneficiaries of the decedent. Prob Code 13152
4. Item #11 requires a proper legal description of the real property
5. Unclear if decedent died testate or intestate. Item #12(b) of the Petition is marked but there is not will attached.
6. Is there a trust? Item #16 is marked and states that Petitioner is the Trustee of a trust.

(Continued on next page)

CASE#: 20PR-00082

CASE NAME: Matter of Misty Garcia (continued from previous page)

7. Inventory and Appraisal filed 2/27/20 is improper and requires an appraisal of the real property by the Probate Referee for Merced County. Prob Code 13152
8. Documentation is attached to the Petition that reflects an unsigned, undated and unfiled Complaint for Quiet Title against Misty Garcia and Heirs.

RECOMMENDATIONS:

Pro Per Petitioner – Appearance required.

(End of Tentative Rulings)